



The Florida Senate

Interim Project Report 2000-78

September 1999

Committee on Fiscal Policy

Senator Roberto Casas, Chairman

CONDUCT REVIEW OF PUBLIC RECORDS MODERNIZATION TRUST FUND

SUMMARY

The Public Records Modernization Trust Fund was created for use of court clerks to modernize their records systems. An additional service charge for specified instrument filings was provided as a dedicated revenue source. The clerks are required to file a report with the President of the Senate and Speaker of the House of Representatives detailing receipts to and expenditures from the trust fund by December 1, 1999. The trust fund is scheduled for repeal in November 2000 and must be reviewed by the Legislature prior to that date.

Based on FY 1994-95 data and projections for FYs 1995-96 through FY 1998-99, there is a continuing need for a source of funding. However, these funds could be provided for through the Uniform Chart of Accounts instead of a dedicated trust fund.

BACKGROUND

Section 28.24, Florida Statutes requires that an additional service charge be paid to the clerks of the circuit court for modernizing the public records system of the individual offices. For each of the instruments required to be filed with the clerk (except judgments and notices of *lis pendens*) the service charge is \$1.00 for the first page and \$.50 for each additional page.

The fees collected by the clerks are deposited in the Public Records Modernization Trust Fund (PRMTF) which is to be used "...exclusively for equipment and maintenance of equipment, personnel training, and technical assistance in modernizing the public records system of the office." In those counties where the duty of maintaining official records exists in an office

other than the clerk, the clerk is entitled to retain 25 percent of the of funds deposited in the trust fund.

The clerks are required to file reports on the status of the trust fund, itemizing expenditures made from the trust fund and the percentage of funds expended for equipment, maintenance of equipment, personnel training, and technical assistance. The last report was filed as required by December 1, 1995 and the next report is due no later than December 1, 1999. By law, the authorization for the PRMTF expires on November 4, 2000, and is scheduled for legislative review prior to that date.

METHODOLOGY

The Florida Association of Court Clerks is currently in the process of surveying its members to determine the receipts and expenditures to and from the trust fund since the last report in preparation of submission by the December 1, 1999 deadline. This report reviews the data from the 1995 report along with relevant statutes and the Uniform Chart of Account provisions.

FINDINGS

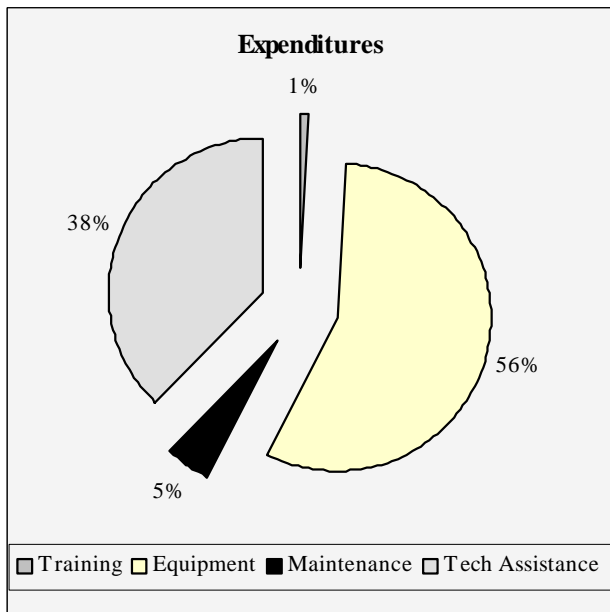
Statewide, the ending balance from Fiscal Year 1993-94 carried forward into the subsequent fiscal year was \$21.7 million. As might be expected, the range is quite large - from zero in several counties to \$2.4 million in Hillsborough County.

For Fiscal Year 1994-95 (the last year for which actual data are provided, the PRMTF data show that counties in total collected \$7.9 million - ranging from \$2,173 in Liberty County to over \$880,000 in Broward County. Expenditures follow a similar

pattern - ranging from no expenditures in several counties to \$2.7 million in Miami-Dade County.

Statewide Fiscal Year 1994-95 expenditures and encumbrances exceeded the amount collected in that year by approximately \$1.1 million, drawing down the available balance. Since the statutory provisions have the effect of limiting expenditures to non-recurring expenditures, this is not problematic.

If the projected revenues and expenditures materialize, however, that could be problematic for the solvency of the trust fund. Based on the December 1995 report, projected expenditures will exceed the available resources by approximately \$12.1 million. Obviously, since the expenditures are discretionary in nature and probably reflect the clerks' desires as well as needs, no deficit of this magnitude will materialize. However, this does indicate that there may be a continuing need for a dedicated funding source to support modernization of clerks' record systems.



The need for a dedicated funding source, however, does not necessarily mean that a dedicated trust fund is necessary to account for receipts and expenditures. It is unknown at this time whether the individual clerks' offices are coding all receipts to and

Table 1

| | 93-94 Bal | 94-95 Rev | 94-95 Exp |
|--------------|-------------------|------------------|------------------|
| Alachua | 422,978 | 78,216 | 368,490 |
| Baker | 7,110 | 6,686 | 400 |
| Bay | 46,360 | 64,455 | 55,162 |
| Bradford | (7,770) | 7,900 | |
| Brevard | 715,132 | 234,385 | 352,139 |
| Broward | 2,310,937 | 880,780 | 553,481 |
| Calhoun | 5,158 | 4,554 | |
| Charlotte | | 73,143 | 73,143 |
| Citrus | 114,545 | 54,779 | 122,678 |
| Clay | 66,754 | 55,007 | 67,382 |
| Collier | 579,377 | 205,100 | 28,959 |
| Columbia | 11,063 | 28,134 | 6,268 |
| Miami-Dade | 2,118,854 | 869,266 | 2,674,474 |
| Desoto | 17,527 | 11,060 | 22,334 |
| Dixie | 13,268 | 5,950 | 11,706 |
| Duval | 724,876 | 315,664 | 521,408 |
| Escambia | 232,491 | 126,717 | 147,596 |
| Flagler | 46,878 | 27,754 | 19,214 |
| Franklin | 4,172 | 10,840 | 7,400 |
| Gadsden | 12,081 | 14,025 | |
| Gilchrist | 10,372 | 6,069 | 14,362 |
| Glades | 5,788 | 3,883 | 3,895 |
| Gulf | 29,858 | 6,119 | |
| Hamilton | 7,533 | 4,037 | 5,200 |
| Hardee | 33,084 | 11,639 | 3,096 |
| Hendry | 29,454 | 13,042 | 26,742 |
| Hernando | 135,818 | 64,627 | 50,269 |
| Highlands | 297,318 | 48,862 | 178,706 |
| Hillsborough | 2,433,430 | 518,560 | 394,645 |
| Holmes | 18,912 | 5,543 | |
| Indian River | 307,693 | 68,461 | 93,576 |
| Jackson | 33,663 | 15,577 | |
| Jefferson | 20,170 | 4,866 | 6,715 |
| Lafayette | 4,400 | 6,867 | 1,495 |
| Lake | 417,710 | 116,569 | 16,209 |
| Lee | 273,838 | 254,592 | 322,474 |
| Leon | 454,934 | 126,723 | 110,689 |
| Levy | 30,212 | 18,684 | 36,900 |
| Liberty | 11,793 | 2,173 | 8,738 |
| Madison | 14,742 | 6,244 | 1,216 |
| Manatee | 626,467 | 155,989 | 129,612 |
| Marion | 470,022 | 134,702 | 23 |
| Martin | 124,324 | 66,099 | 92,365 |
| Monroe | 276,300 | 75,789 | 53,058 |
| Nassau | 110,654 | 23,904 | |
| Okaloosa | 228,961 | 80,470 | |
| Okeechobee | 29,054 | 15,522 | 46,935 |
| Orange | 1,611,328 | 520,272 | 78,069 |
| Osecola | 213,116 | 137,749 | 241,615 |
| Palm Beach | 1,573,042 | 585,609 | 679,939 |
| Pasco | 407,349 | 150,216 | 393,456 |
| Pinellas | 812,382 | 440,204 | 265,249 |
| Polk | 1,060,780 | 232,149 | 268,587 |
| Putnam | 11,366 | 28,574 | |
| St. Johns | 31,074 | 101,764 | 48,653 |
| St. Lucie | 113,641 | 93,043 | 26,006 |
| Santa Rosa | | 59,372 | 59,372 |
| Sarasota | 757,338 | 214,217 | 14,119 |
| Seminole | 736,502 | 153,615 | 87,204 |
| Sumter | 35,766 | 17,389 | 20,454 |
| Suwannee | 12,270 | 16,463 | 21,609 |
| Taylor | 24,871 | 6,434 | 4,827 |
| Union | | 3,423 | |
| Volusia | 385,824 | 202,808 | 215,090 |
| Wakulla | 18,852 | 15,016 | 26,313 |
| Walton | 11,357 | 32,446 | |
| Washington | 34,491 | 8,369 | |
| TOTAL | 21,729,244 | 7,946,165 | 9,079,715 |

expenditures from the PRMTF similarly and accurately. However, the Uniform Chart of Accounts (UCA)¹ is a means to maintain accountability of receipts and expenditures for public records modernization without the use of a dedicated trust fund. Use of the UCA would require that the fees be deposited in another fund available to the clerks. Additionally, in order to maintain accountability and fulfill the reporting requirements for state purposes, each clerk will have to record all financial data in the same way.

RECOMMENDATIONS

1. Assuming that actual receipts and expenditure data to be included in the December 1, 1999 report indicate a continuing high level of activity for public records modernization, the dedicated fee should not be abolished.
2. The Public Records Modernization Trust Fund be abolished and the Florida Association of Court Clerks should provide training to its members so that revenues and expenditures related to public records modernization are coded in accordance with the provisions of the Uniform Chart of Accounts.

¹ During the 1995 Legislative Session, Chapter 95-400, Laws of Florida, was passed creating a Uniform Chart of Accounts (UCA) to account for and report financial data for circuit and county courts and justice-related agencies of the executive branch.

COMMITTEE(S) INVOLVED IN REPORT (*Contact first committee for more information.*)

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